



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,866	10/06/2000	David Allison Bennett	PSTM0038/MRK/STM	2836

29524 7590 01/11/2006

KHORSANDI PATENT LAW GROUP, A.L.C.
140 S. LAKE., SUITE 312
PASADENA, CA 91101-4710

EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,866

Applicant(s)

BENNETT ET AL.

Examiner

Jamisue A. Webb

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8, 10-16, 18, 19, 22, 23, 25, 27-31, 33-36, 42-45 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 4-8, 10-16, 18, 19, 22, 23, 25, 27-31, 33-36, 42-45 and 49-52.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 4, drawn to a shipment management computer system for selecting a carrier, classified in class 705, subclass 1.
 - II. Claims 5 and 6, drawn to a shipment management computer system for calculating itemized charges, and for setting charge preferences, classified in class 705, subclass 1.
 - III. Claims 8 and 7, drawn to a shipment management computer system for indicating permissible payment methods, classified in class 705, subclass 1.
 - IV. Claim 10, drawn to a shipment management computer system which displays service information, classified in class 705, subclass 1.
 - V. Claim 11, drawn to a shipping management computer system which displays service, classified in class 705, subclass 1.
 - VI. Claims 12, 27-31, 33-35, 44, 45, drawn to a shipment management computer system which uses parcel specification for delivery and calculation of shipping rates, classified in class 705, subclass 1.
 - VII. Claims 13-125, 22, 23 and 25, drawn to a shipping management computer system with ships a plurality of parcels and assigns tracking numbers, classified in class 705, subclass 1.

Art Unit: 3629

- VIII. Claims 16, 18 and 19, drawn to a shipping management computer system with purchases an item and creates a shipping log, classified in class 705, subclass 1.
- IX. Claim 43, drawn to a shipping management computer system which allows a user to modify a previous shipping request, classified in class 705, subclass 1.
- X. Claim 51, drawn to a shipping management computer system which determines a delivery schedule, classified in class 705, subclass 1.
- XI. Claim 52, drawn to a shipping management computer system which uses a shipping label images and graphic resolution characteristics, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a second user selecting a carrier from a subset of carriers, which were selected by a first user, this step was not claimed in any other of the inventions. See MPEP § 806.05(d).
- 3. Inventions II and I, III-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as determining charge preferences and calculating itemized charges based on preferences, which was not disclosed in any other of the inventions. See MPEP § 806.05(d).

Art Unit: 3629

4. Inventions III and I, II, IV-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as the use of permissible payment methods, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

5. Inventions IV and I-III, V-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as the use of a hyper text link template, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

6. Inventions V and I-IV, VI-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as the use of service information, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

7. Inventions VI and I-V, VII-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as identifying parcel specification for delivery and collecting delivery information from a user and calculating a shipping rate, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

Art Unit: 3629

8. Inventions VII and I-VI, VIII-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VII has separate utility such as shipping and tracking a plurality of parcels with tracking number, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

9. Inventions VIII and I-VII, IX-XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VIII has separate utility such as purchasing an item and creating a shipping log, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

10. Inventions IX and I-VIII, X, XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IX has separate utility such as modifying a previous shipping request, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

11. Inventions X and I-IX, XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention X has separate utility such as creating a delivery schedule, which was not disclosed in any of the other inventions. See MPEP § 806.05(d).

12. Inventions XI and I-X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention XI has separate utility such as the use of

Art Unit: 3629

shipping label images and graphic resolutions characteristics, which was not disclosed in any other of the inventions. See MPEP § 806.05(d).

13. Because these inventions are distinct for the reasons given above and the search required for each of the inventions above is not required for any of the other inventions, (each invention requires its own search), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

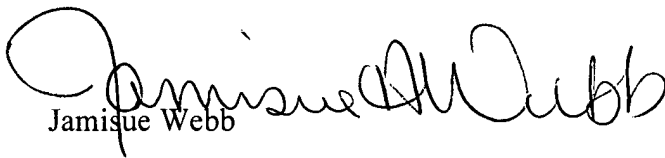
14. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb

AU 3629